

**DECISION
GRAFTON PLANNING BOARD**

43D PRIORITY DEVELOPMENT SPECIAL PERMIT (SP 2021-05) & SITE PLAN APPROVAL

**Warehouse Distribution Facility
244 Worcester Street, Grafton, MA 01536**

**Garofalo & Associates, Inc. (Applicant)
Wyman Gordon Company (Owner)**

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of Garofalo & Associates, Inc., (hereinafter the APPLICANT), for a Priority Development Special Permit (SP 2021-05) & Site Plan Approval to allow for construction of a Warehouse Distribution Facility on property located at 244 Worcester Street, Grafton, MA, (hereinafter the SITE) which is located in the Office/Light Industry (OLI), Industrial (I), and Priority Development Site Overlay District (PDSOD) zoning districts and shown on Grafton Assessor's Map 35, Lot 1, and owned by Wyman Gordon Company (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 7481, Page 368. The application was formally received by the Planning Board on September 2, 2021.

I. BACKGROUND

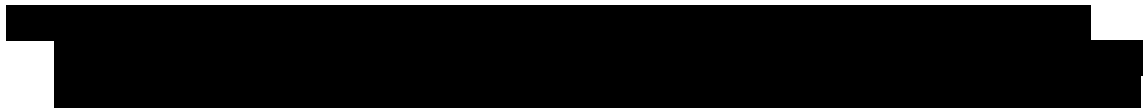
The above referenced application for 43D Priority Development Special Permit (SP 2021-05) & Site Plan Approval, hereinafter the Application, was submitted to the Grafton Select Board, Grafton Planning Board, Grafton Conservation Commission and Grafton Zoning Board of Appeals on September 2, 2021, in accordance with Section 11 of the Grafton Zoning Bylaw. The application was reviewed and determined by the Grafton Select Board to be complete on September 21, 2021, in accordance with Section 11 of the Grafton Zoning Bylaw. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 9 & 16, 2021, and posted with the Town Clerk's Office on September 8, 2021. Abutters were notified by First Class Mail.

The public hearing on the Application was opened on September 27, 2021. The following Board members were present throughout the public hearing: Chair David Robbins, Vice Chair Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger and Prabhu Venkataraman, and Associate Planning Board member Maura McCormack. Attorney Mark Donahue, Fletcher & Tilton presented the Application to the Board. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on **March 14, 2022**. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Original Application Submission, received September 2, 2021 to include the following.



[REDACTED]

EXHIBIT 10.

[EXHIBITS TO BE UPDATED TO REFLECT THE RECORD]

III. FINDINGS

At their meeting of March 14, 2022, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [MEMBER], seconded by [MEMBER]), voted ☐ (X) in favor and ☐ (X) opposed to make the following Findings:

- F1.** That the application for Special Permit is being sought to construct a warehouse and distribution facility on approximately 26 acres of the existing 182.6 acre property located at 244 Worcester Street. The Applicant, per the submitted narrative, proposes operational activities to include “warehousing and industrial shipping distribution. Inventory will be stored and prepared for shipment within the warehouse, and ultimately shipped out for delivery from the facility.”
- F2.** That the Site is located within Office/Light Industry (OLI), Industrial (I), and Priority Development Site Overlay District (PDSOD) zoning districts. Light Industrial uses such as warehousing as provided in Section 3.2.3.1 of the Grafton Zoning Bylaw may be permitted in the Office/Light Industry (OLI) and Industrial (I) zoning districts upon issuance of a Special Permit and Site Plan Approval by the Grafton Planning Board.
- F3.** That the number of employees is one hundred and eighty (180) estimated on largest shift and three hundred (300) estimated total. That the hours of operation will be 24 hour/day, 7 day/week with light shifts on Saturday and Sunday. Delivery vehicles will primarily be tractor trailers.
- F4.** That determinations regarding the above referenced Findings are based upon the plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F5.** That determinations regarding the above referenced Findings are predicated on the satisfactory maintenance of the site in accordance with this Decision, as well as all applicable federal, State, and Local regulations, except where modified by this Decision.
- F6.** That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F7.** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
- F8.** That pursuant to Section 1.3.3.4 of the ZBL, the Applicant has not requested waivers from the requirements for preparing site plans, as listed in Section 1.3.3.3.
- F12.** That pursuant to Section 3.3.2.2(b) of the ZBL, the Applicant has requested waivers from the maximum height requirement as listed in Section 3.2.3.2 of the ZBL to allow for a maximum building height of forty-five feet (45’).

IV. WAIVERS

- W1.** At their meeting of **March 14, 2022**, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by **[MEMBER]**, seconded by **[MEMBER]**), voted **[] (X)** in favor and **[] (X)** opposed to **GRANT/DENY** the Applicant’s request pursuant to **Section 3.3.2.2(b)** of the ZBL for waivers from the maximum height requirement as listed in **Section 3.2.3.2** of the ZBL to allow for a maximum building height of forty-five feet (45’).

V. CONDITIONS

At their meeting of **March 14, 2022**, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by **[MEMBER]**, seconded by **[MEMBER]**), voted (X) in favor and (X) opposed to **APPROVE/DENY** the Special Permit and Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit (SP 2021-05) and Site Plan Approval specifically authorizes the construct a warehouse and distribution facility on approximately 26 acres of the existing 182.6 acre property located at 244 Worcester Street, the principal use of which will be warehousing and industrial shipping distribution. Inventory will be stored and prepared for shipment within the warehouse, and ultimately shipped out for delivery from the facility as described within the above referenced Exhibits and Findings of this Decision.
2. The work authorized by this Special Permit shall be solely for the purposes as stated within the Findings and Conditions of this Decision. Changes to the application presented in this Application, may be made only upon the authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the application presented within the Exhibits of this Decision and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
4. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, Section 4.4 of the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
5. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
6. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
7. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

8. The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer and/or landscape architect in reviewing any materials required to be submitted as conditions of this Decision and conducting any inspections or other work associated with the construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
9. The Planning Board reserves the right to require the submission of an “as built” plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.
10. Any inability, failure, or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

B. Conditions to be Met Prior to the Start of Construction

11. Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the than the plan presented within the EXHIBITS of this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
12. Prior to commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/ Board’s. The Applicant shall contact the Planning Department to arrange the pre-construction meeting. A revised Plan Set plan set addressing final design of offsite improvements, [REDACTED], shall be provided to the Planning Department for their review and approval in advance of scheduling the abovementioned meeting.
13. Final design of offsite improvements to Route 122 (Worcester Street), Maplewood Drive and site access, as shown in Exhibit [REDACTED] shall be conducted in coordination with MassDOT, the Town’s Peer Review Engineer(s), and the DPW. The Board may, upon its determination, require a modification of this Decision if it finds that proposed changes are substantial in nature from the information provided in Exhibit [REDACTED] and of public concern, and/or substantially alter the plans and information used in making this Decision.
14. Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures

and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.

15. The Applicant shall provide a landscaping plan to the Planning Department for administrative review and approval as presented to the Board during the public hearing. Such plan shall include, at a minimum, details regarding existing and proposed vegetative buffering to reduce impacts of noise off site and provide an enhanced visual aesthetic to the site. The Town reserves the right to conduct a site inspection of the lot to verify that the approved landscaping has been properly installed and remains healthy. If plant material has failed (either by death or disease) within 24 months of initial planting, new material shall be installed at the expense of the Applicant and/or Owner. All work to replace plant material will be done to the satisfaction of the Planning Department. This condition shall also be extended to landscaping associated with the offsite improvements referenced in Condition 13 of this decision.

C. Conditions to be Met During Construction

16. Hours of construction and site work shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
17. All construction vehicles and vehicles of all workers are to be parked on site and shall not impede traffic along Route 122 (Worcester Street) or Maplewood Drive at any time.
18. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
19. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
20. During clearing operations, all efforts will be taken to retain trees within the development. Trees along limits of work and adjacent to the roadway shall be examined during site inspections for being preserved where grading changes are minimal.
21. Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works, prior to commencing any construction activity.

D. Conditions to be Met After Construction

22. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.
23. Post occupancy traffic studies shall be conducted one (1) year and five (5) years following the commencement of operations and shall, at a minimum, compare the future conditions with the current conditions and estimates as reflected in the provided traffic study included as Exhibit

of this decision. The post occupancy traffic studies shall be conducted at the expense of the Applicant and/or Owner and shall be subject to appropriate peer review as provided in Condition 8 of this decision. The Board may, upon its determination, require a modification of this Decision if it finds that proposed changes are substantial in nature from the information provided in Exhibit [redacted] and of public concern, and/or substantially alter the plans and information used in making this Decision.

VI. RECORD OF VOTE

<u>David Robbins, Chairman</u>	<u>AYE/NAY</u>	<u>Robert Hassinger, Member</u>	<u>AYE/NAY</u>
<u>Justin Wood, Vice Chairman</u>	<u>AYE/NAY</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE/NAY</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE/NAY</u>	<u>Maura McCormack, Associate</u>	<u>AYE/NAY</u>

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Christopher J. McGoldrick, Town Planner

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessors
 - Conservation Commission

To Whom It May Concern: This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavallee, Town Clerk

Date